

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

IOU CENTRAL, INC. )  
d/b/a IOU FINANCIAL, INC., )  
Plaintiff, )  
v. )  
MONTY LEE MERRILL, )  
LAURA ANN MERRIL )  
CLEARWATER TRANSPORTATION )  
MANAGEMENT CO., LLC, )  
and )  
CLEARWATER REAL ESTATE, LLC )  
Defendants. )

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**Civil No. 1:20-cv-00453-JPB**

**DEFENSE COUNSEL'S INTERIM RESPONSE TO  
PLAINTIFF'S MOTION TO TRANSFER**

Despite diligent efforts, defense counsel have not received any instructions or guidance from Defendants as to whether to oppose the Plaintiff's motion to transfer this case to Texas or whether to instead move to compel arbitration pursuant to the mandatory and binding arbitration clause in Monty Merrill's Personal Guaranty Agreement with IOU. (ECF Document No. 9-12 & Exhibit A).

Having received no guidance or instructions from the Defendants, defense counsel requests an enlargement of time in which to make further efforts to obtain instructions and guidance from Defendants and to provide a more definitive response to Plaintiff's motion to transfer.

Absent an enlargement of time, defense counsel believe that a transfer to the federal district court in Texas is the best option which provides the greatest flexibility for Defendants should they eventually provide the requested guidance and instructions to defense counsel.

Respectfully Submitted This 8<sup>th</sup> Day of December 2020:

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**FONT CERTIFICATION**

The undersigned hereby certifies that this pleading complies with the font requirements of LR 5.1B because the document has been prepared in Times New Roman, 14 point font.

/s/ Geoffrey M. Dureska  
Geoffrey M. Dureska  
Georgia Bar No. 783906

**CERTIFICATE OF SERVICE**

I hereby certify that on the 8<sup>th</sup> Day of December, 2020, I served the foregoing Defendants' Response to Plaintiff's Motion to Transfer by CM/ECF submission which will send a notification to the following counsel of record:

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